IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1850 OF 2007

Mura Karunanithi ..Applicant

V/s.

Savita Chemicals Ltd. & anr. ..Respondents

Mr.Prakash Naik, advocate, for applicant
Mr.Jagdish K. Hegde, advocate, for respondent No.1
Mr.A.S.Shitole, Assistant Public Prosecutor for the State

CORAM : B.H.MARLAPALLE, J.

DATE : 25TH OCTOBER, 2007

P.C.

1. Heard Mr.Prakash Naik, learned counsel for the applicant, Mr.Jagdish K. Hegde appears for respondent No.1/original complainant and Mr.A.S.Shitole, APP appears for the State. As recorded in the earlier order dated 9th July, 2007, the applicant has deposited Rs.3,00,000/- with the lower Appellate Court and the receipts to that effect have been placed on record.

2. The applicant came to be convicted and

sentenced in C.C.No.803/SS/2005 as per Judgment and Order passed by the learned Metropolitan Magistrate dated 2nd March, 2007 under Section 138 of the Negotiable Instrument Act, 1881 and has been directed to pay a fine of Rs.33,11,631/- out of which a sum of Rs.33,06,631/- has been directed to be paid to the complainant. The said order of conviction and sentence has been challenged in Criminal Appeal No.157 of 2007 which has been admitted by the lower Appellate Court and the order of conviction was stayed on a condition that an amount of Rs.8,00,000/- to be deposited by the accused/applicant. Being aggrieved by the direction to deposit a sum of Rs.8,00,000/- for interim bail, this application has been filed by the applicant relying upon a decision of the Apex Court in the case of **Dilip S. Dahanukar Vs. Kotak Mahindra Co. Ltd.** & anr., reported in **2007 ALL MR (Cri) 1775 (S.C.).** Having regards to the compensation amount of Rs.33,11,631/- and the fact that the applicant has deposited an amount of

Rs.3,00,000/-, it would be just and proper that the pending appeal is decided expeditiously and the order of sentence is suspended as directed by the lower Appellate Court by the impugned order rather than insisting that the applicant deposits a further sum of Rs.5,00,000/-. It is also to be noted that dishonoured cheque was in the sum of Rs.23,21,631/-.

3. Hence, it is directed that Criminal Appeal No.157 of 2007 be heard and decided on its own merits as expeditiously as possible and preferrably by 31st March, 2008 along with Criminal Appeal Nos.155 of 2007 and 156 of 2007 on the basis that the applicant has already deposited a sum of Rs.3,00,000/- with the lower Appellate Court. Impugned order stands modified accordingly. Application is disposed off in above terms.

(**B.H.MARLAPALLE, J.**)